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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,412	08/17/2001	Masao Yoshida	2001-1152	4804

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EXAMINER

NGUYEN, GEORGE BINH MINH

ART UNIT PAPER NUMBER

3723

DATE MAILED: 02/04/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,412

Applicant(s)

YOSHIDA ET AL.

Examiner

George Nguyen

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 8-12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☐ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Receipt is acknowledged of Applicant's election of Group II invention drawn to claims 5-7 and 13. Claims 1-4 and 8-12 were withdrawn from further consideration.

Claims 5-7 and 13 are presented for examination.

This application has been filed with formal drawings which are accepted by the examiner.

Election/Restrictions

1. Applicant's election of Group II invention directed to claims 5-7 and 13 in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 5 is rejected under 35 U.S.C. 102(a) as being anticipated by Oishi et al.'5,655,954.

With reference to Figs. 1, col. 3, line 40 to col. 26, Oishi discloses the claimed invention including: a) a receiving section 16; b) a processing section 8; and c) a alignment mechanism 2 disposed between said receiving section 16 and said processing section 8.

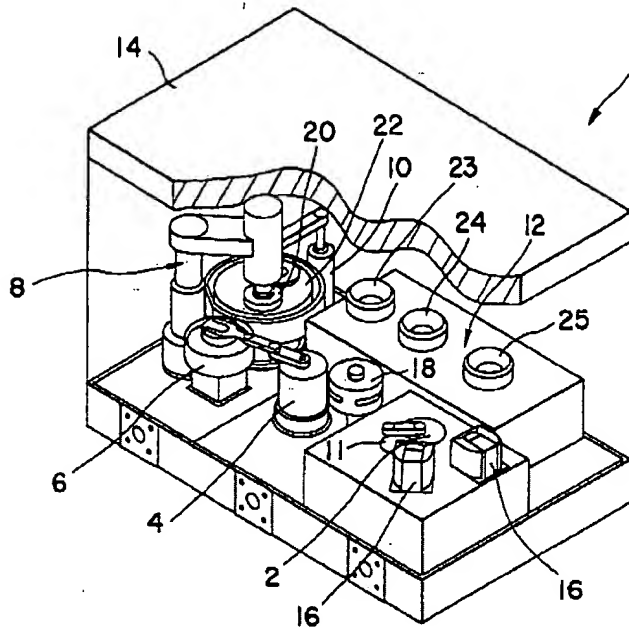


FIG. 1

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

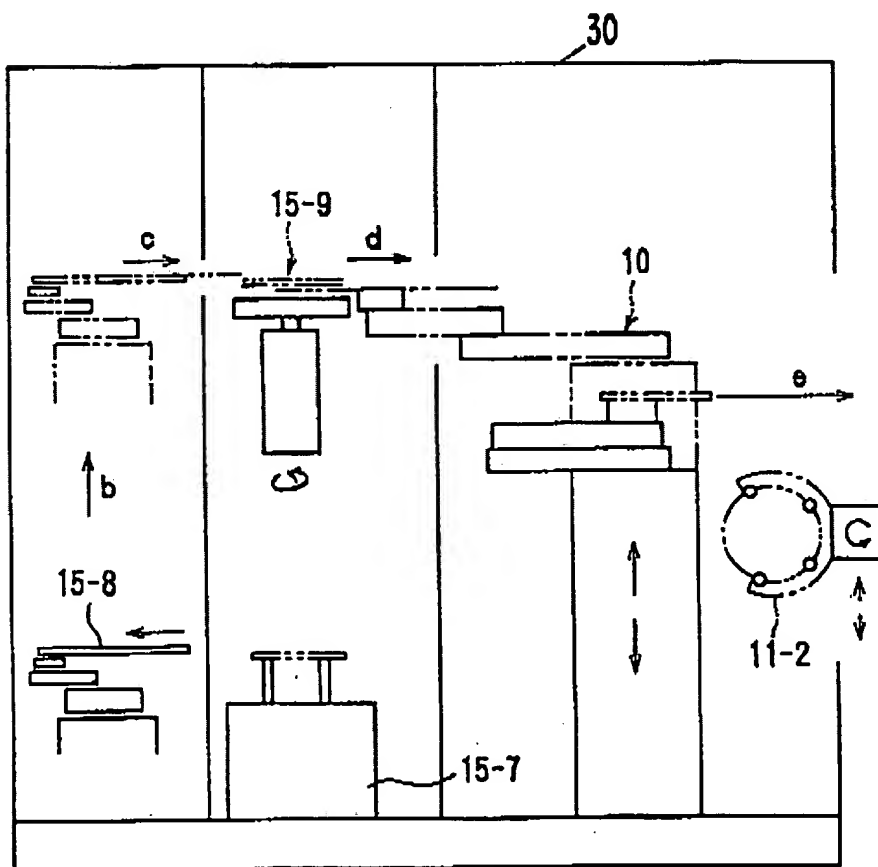
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oishi et al.'954 in view of Okumura et al.'5,885,138.

Oishi has been discussed above, but does not disclose the aligner disposed in a clean room including a partition with a shutter which separates said processing section from said receiving section.

With reference to Fig. 6A, col. 10, lines 49-56, Okumura discloses a position mechanism 10 disposed in a clean room which separates processing room 15-9A and receiving section 11-2.

FIG. 6



Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have Oishi's polishing apparatus provided with the aligner

Art Unit: 3723

disposed in a clean room as taught by Okumura because such modification would prevent further contamination. Regarding to the limitation of "shutter", Oishi discloses this limitation.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oishi et al.'954 in view of Japanese Patent Abstract'60080241.

Oishi has been discussed above, but does not disclose the position mechanism set forth in the claim.

With reference to the Abstract, JPA'241 discloses a wafer alignment apparatus with a rotating drive means 20, a rotating angle detection means, and a means for detecting existence of substrate.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Oishi's polishing apparatus with an alignment apparatus as taught by JPA'241 to detect existence of flat by controlling the rotating drive means 20 with the information obtained from substrate detector 50.

Allowable Subject Matter

7. Claim 13 is allowed.

8. The following is an examiner's statement of reasons for allowance: the specific limitation of "aligning a reference position ... a predetermined direction" in the combination as claimed in claim 13 is not anticipated nor made obvious by the prior art of record in the examiner's opinion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

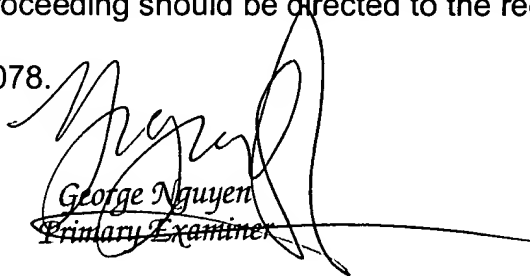
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsushita et al.'5,498,294, Karlsrud et al.'5,498,199, and Togawa et al.'5,893,794 all disclose polishing apparatus with wafer aligner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Nguyen whose telephone number is 703-308-0163. The examiner can normally be reached on Monday-Friday/630AM-300PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.


George Nguyen
Primary Examiner

George Nguyen
Primary Examiner
Art Unit 3723

GN – January 30, 2004